

REMARKS

In response to the Office Action mailed on September 25, 2008, Applicants respectfully request reconsideration. Claims 36-62 are now pending in this Application. Claims 36, 46, 56 and 62 are independent claims and the remaining claims are dependent claims. In this Amendment, claims 36-48, 51 and 56 have been amended and claims 57-62 have been added. Support for the amendments submitted herein can be found at page 28 of Applicants' Specification. Support for new claims 57-62 can be found at pages 7-9 and 20-25 of Applicants' Specification. Applicants' Representative acknowledges the interview held on December 9, 2008 where no agreement was reached with regard to the rejections submitted in the Office Action. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

1. Rejection of Submitted Claims under 35 U.S.C. §112

Claims 36-56 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 36, 46 and 56 have been amended to overcome this rejection. By virtue of dependence on the independent claims, the rejected dependent claims are no longer indefinite as well. Applicants hereby request withdrawal of this rejection.

2. Rejection of Submitted Claims under 35 U.S.C. §103(a)

Claims 36-56 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Oliviera, U.S. Patent Pub. No. 2004/0186904, in view of Sayan et al., U.S. Patent Pub. No. 2002/0169820 (hereinafter Sayan), in view of Brenner et al., U.S. Patent No. 6,658,449 (hereinafter Brenner) and further in view of Liu, U.S. Patent No. 5,825,759. In the rejection, Examiner concedes that Oliviera does not teach Applicants' **recently assigned agent condition defining an acceptable number of agents assigned to the first store process during**

**a predetermined agent assignment interval.** To make up for the deficiencies of Oliviera, Examiner cites Liu. However, Liu fails to teach such aspects as well.

Specifically, Examiner cites column 7, lines 47-50, and column 8, lines 48 to column 9, line 2 of Liu as being equivalent to Applicant's **recently assigned agent condition.** The cited passage as follows:

If there is no existing MF-agent then the MF-agent manager creates a new MF-agent for the requesting M-agent. After the MF-agent is alternatively created or assigned, a timer and least recently used (LRU) parameter are set for the MF-agent...

After a predetermined period of time, if the mobile terminal never arrives at the predicted location, or, if after being deactivated the mobile terminal never returns to the MF-agent's service area, the MF-agent is preferably destroyed. In order to perform this function, each MF-agent is also provided with a timer for maintaining a parameter that determines the MF-agent's lifetime. The timer is initialized and started when the MF-agent is assigned or created. This time is re-set and stopped when the MF-agent becomes an AM-agent. Once the AM-agent is deactivated, thereby causing it to become an MF-agent again, the timer is restarted.

....each MF-agent also...maintains a LRU parameter which is initialized when the MF-agent is assigned or created. The LRU parameter provides a priority index for shared resources with other MF-agents at the same location. If the resources at this location have to be reclaimed, then one or more MF-agents having the highest LRU parameter are chosen as victims and destroyed in order to free the needed resources. (emphasis added)

Here, Liu's timer and LRU parameter do not provide the advantages of Applicants' **recently assigned agent (RAA) condition.** In particular, Liu's LRU

does not **define an acceptable number of MF-agents assigned to an MF-agent during a predetermined assignment interval**. Rather, as disclosed above, Liu's LRU parameter allows for identifying an MF-agent that will be destroyed when resources need to be made available. In contrast, Applicants' **RAA condition** is not directed to the destruction of any store processes. Rather, the **RAA condition** determines how many additional store processes may be assigned to the same agent during a specific time interval. If an agent's RAA condition will be exceeded by assigning a new store process to the agent, then the new store process is assigned to a different agent. Once the **predetermined assignment interval** is complete, the **RAA condition** is cleared but the store processes can still be assigned to the agent that was associated with the **RAA condition** – as opposed to Liu's destruction of its MF-agent after a predetermined amount of time.

Moreover, Liu's teachings do not provide the motivation for assigning a new MF-agent to a different M-agent when an M-agent has a maximum allowable number of assigned MF-agents. Liu utilizes a predictive mobility management algorithm to determine where a mobile user is likely to be. MF-agents are then established at these locations to permit per-connection of network services for use by the user upon arrival. (See Abstract) Liu is not directed towards Applicants' **recently assigned agent (RAA) condition** because if an M-agent were to exceed the **RAA condition's acceptable number** of MF-agents, then a new MF-agent for a user would be assigned to a different M-agent associated with a different user. Clearly, Liu would not be advantageous if a user was assigned mobile network services intended for a different user.

For the reasons stated above, Applicant submits that independent claims 36, 46 and 56 are patentably distinct and advantageous over the cited references – individually and in combination with each other. In addition, by virtue of their dependency on the independent claims, the rejected dependent claims are

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patentably distinct as well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

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In view of the above, the Examiner's rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicants hereby petition for any extension of time, which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an online payment made herewith, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/DWR/

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